S.B.Civil Writ Petition NO.415/2005

Ratanlal & Ors.

vs

The Judge Motor Accident Claims Tribunal & Ors.

DATE OF ORDER : - 25.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. D.S.Rathore,for the petitioner.

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Heard learned counsel for the parties.

The petitioner is aggrieved against the order dated 6th August, 2004 passed by the Motor Accident Claims Tribunal, Chittorgarh in Motor Accident Claims Case No.265/2003. The Motor Accident Claims Tribunal allowed the application filed under Section 140 of the MV Act, 1988 and awarded compensation of Rs.50,000/- on account of no fault liability holding the petitioner's driver and the ostensible owner as liable to pay the award amount.

According to learned counsel for the petitioner, the petitioner no.2 is not the owner of the vehicle despite the tribunal has passed the interim award against the petitioner no.2.

I considered the facts of the case as mentioned in the order dated 6th August, 2004 and which are not in dispute at this stage, which discloses that the vehicle in question was got released by the petitioner no.2 from the court where the criminal case is pending and he himself in reply to the notice under Section 133 of the MV Act admitted that he is owner of the vehicle.

In view of the above, if the tribunal found that the petitioner no.2 is also liable to pay the compensation amount as the vehicle was in effective control of petitioner no.2, the tribunal has not committed any illegality.

Hence, I do not find any merit in this writ petition and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal/-